

REMARKS

Claims 1-9 remain pending in the application. Claims 10-24 are cancelled. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claim 1, 2, 5, 8, and 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Murcia et al. (U.S. Pat. No. 6,481,822) in view of Takahasi et al. (U.S. Pat. No. 6,364,449). This rejection is respectfully traversed.

Claim 1 calls for a head cap comprising: a cap base; an absorbing material housing part which is formed on a surface of said cap base; a function liquid absorbing material which is disposed inside said absorbing material housing part; an absorbing material urging member which urges the function liquid absorbing material; a sealing member which is formed so as to come into intimate contact with a nozzle surface of a function liquid droplet ejection head; and a seal fixing member which fixes said sealing member to said cap base; **wherein said sealing member is fixed to said cap base in a state in which said absorbing material urging member is urged.**

Applicant respectfully submits that neither Murcia nor Takahashi nor the combination thereof discloses the claimed feature that: "said sealing member is fixed to said cap base in a state in which said absorbing material urging member is urged".

More particularly, the Office Actions states that the "absorbing material urging member" corresponds to the "retainer" identified with reference numeral 16d in Fig. 7 of Takahashi (Office Action, page 5, line 6). Applicant notes that the retainer 16d of

Takahashi is made from an elastic member such as rubber and is integrally formed with the cap member 16b (col. 13, lines 59-60). The plan configuration of the retainer 16d can be seen in Figs. 2 and 25B.

Because the "retainer 16d" is integrally formed with the cap member 16b, there is always maintained a certain distance between the periphery of the cap member 16b and the retainer 16d. That is, the relative positional relationship between the cap member 16b and the retainer 16d does not change. Since the retainer 16d is provided for the purpose of fixing the position of the ink absorbing member 16c, the retainer 16d is never intended to be urged or pushed by the sealing member. As a result, the sealing member is NOT fixed to the cap base in a state in which the absorbing material urging member is urged.

On the other hand, in the claimed invention, the absorbing material urging member and the sealing member are not formed integrally but rather separately (at least, there is no limitation of "integral"). Because the absorbing material urging member and the sealing member are provided as separate members, the claimed feature of "said sealing member is fixed to said cap base in a state in which said absorbing material urging member is urged" is possible.

The Office Action also states that "Takahashi . . . further teaches a retainer (16d), which functions as the urging member in this claim. Therefore, it would have been obvious . . . to include a retainer as further taught by Takahashi for the purpose of retaining the porous material within the cap base" (Office Action, page 5, line 5 and downward).

The sealing member 175 is alleged to correspond to the lip member in Murcia. The Office Action refers to the possibility of adding the "retainer 16d to the top of the ink-absorbing material 16c to obtain a retaining force derived from the retainer and applied to the ink-absorbing material due to the positional relationship between the two.

As noted above, Takahashi's retainer 16d is integrally formed. In combining it with the Murcia, the retainer 16d must always be handled together with the cap member 16b (because they are integrally formed). Applicant notes here that the attempted combination of the retainer 16d of Takahashi with the cap member 16b of Murcia will result in a double inclusion of sealing portions because Murcia's cap base 170 has a lip member 175 which serves as the sealing member and Takahashi's cap member 16b also has a sealing portion (i.e., the portion projecting from the cap member 16b).

It follows that there is neither reason nor motivation to combine Murcia and Takahashi. Namely, the attempted combination of the two is based on improper hindsight reasoning.

Further, even if these two references are combined as proposed in the Office Action, the following advantages of the claimed invention will never be obtained:

"each of the constituting elements can be taken into pieces simply by removing the seal fixing member out of the cap base, and can also be assembled in sequence. As a result, even if deterioration due to aging or damage may have occurred to any of the function liquid absorbing material and other head cap constituting elements, it is possible to easily and independently replace only the constituting element or elements that require replacement." (specification, page 5, line 3 and downward)

Claims 2 and 5 depend from claim 1 and therefore include all of the above noted claim distinctions. Applicant respectfully submits that these claims are allowable for at least the same reasons as set forth above.

Regarding claim 8, Applicant cannot find any description to the effect that the "restricting projection part restricts a position of said cap base in a slightly inclined state" in the location identified by the Examiner. Therefore, Applicant respectfully submits that the reference is silent in this regard and therefore the reference cannot obtain the advantages as described on page 9, lines 7-14 of the specification as originally filed.

Claim 9 depends from claim 1 and therefore includes all of the above noted claim distinctions. Applicant respectfully submits that this claim is allowable for at least the same reasons as set forth above.

ALLOWABLE SUBJECT MATTER

The Examiner states that claims 3, 4, 6 and 7 would be allowable if rewritten in independent form. Applicant defers rewriting these claims in independent form until after the Examiner considers the foregoing arguments. Notwithstanding, Applicant respectfully requests a continuing indication of the allowability of these claims.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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